

REMARKS

In the Office Action, Claims 1 through 7, 9, 10, 12 through 14, 16 through 30, and 32 were rejected under 35 U.S.C. §102 as allegedly anticipated by Weiss (U.S. Patent No. 5,682,713). Claims 1, 2, 6, 7, 8, 11, 13, 15, 23, 24, and 31 were rejected under 35 U.S.C. §102 as allegedly anticipated by Wasserman (U.S. Patent No. 3,034260).

There are no objections to the drawings or to the specification.

Applicant respectfully traverses the rejections.

Weiss

Although the Office Action states that Weiss discloses certain aspects claimed in the present application, Applicants respectfully disagree.

Claim 1 describes a light transmitting section disposed within a frame and a gasket disposable between the frame and a curb and between the light transmitting section and the curb, the gasket including a main body portion, the main body portion disposed to contact the upper top surface of the curb and to contact the bottom surface of the light transmitting section. Component 308 of Weiss does not contact the bottom surface of the light transmitting section 300; instead, component 308 contacts frame 304. In fact, no part of component 308 of Weiss contacts any part of the light transmitting section 300. Accordingly, for at least these reasons Weiss cannot anticipate Claims 1 through 7, 9 through 10, or 12.

As to Claim 13, no identification or disclosure is made in Weiss as to a main body portion disposed to contact the upper top surface of a curb to define a

weather resistant seal therewith, and to contact the bottom surface of a light transmitting section. As pointed out above, no part of component 308 of Weiss contacts any part of the light transmitting section 300. Accordingly, for at least these reasons Weiss cannot anticipate Claims 13, 14, or 16 through 21.

Claim 22 includes a gasket that having a main body portion disposed to contact the bottom surface of a light transmitting section to define a weather resistant seal therewith. No part of component 308 of Weiss contacts any part of the light transmitting section 300 and nor does it define a weather resistant seal therewith. Accordingly, for at least these reasons Weiss cannot anticipate Claim 22.

Claim 23 claims a gasket comprising a main body portion disposable to contact a bottom surface of a light transmitting section of a skylight. No part of component 308 of Weiss contacts any part of the light transmitting section 300. Accordingly, for at least these reasons Weiss cannot anticipate Claims 23 through 30 or Claim 32.

Wasserman

The Office Action asserts that Wasserman anticipates Claims 1, 2, 6, 7, 8, 11, 13, 15, 23, 24, and 31. However, review of what is disclosed by Wasserman refutes such a position, and the rejection is traversed.

Repeated reference is made in the Office Action to Figure 1 of Wasserman. However, the component shown in Figure 1 is not a gasket – Wasserman describes the component shown in Figure 1 to be a curb frame. See e.g. Col. 1, lines 51 – 52; Col. 2, lines 16 – 17. The curb frame depicted in

Figure 1 is described in Wasserman as being made of metal [Col. 2, line 1]..

There is a gasket disclosed in Wasserman, but it is not acknowledged or recognized in the Office Action – it is component 25 (See Col. 2, line 65). Component 25 in Wasserman is nothing of the sort of invention claimed in the present application and anticipates none of Applicants' claims.

Accordingly, Wasserman discloses nothing that would anticipate Claims 1, 2, 6, 7, 8, 11, 13, 15, 23, 24, and 31.

Finally, the Office Action also asserts, in several respects, that certain features are inherent in Weiss and/or Wasserman. However, as to inherency, MPEP § 2131.01 provides:

“To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.”

The Office Action has not done this – the features said to be inherent need not necessarily be present in either cited reference.

Based on the foregoing remarks, Applicants respectfully submit that all issues raised in the Office Action have been fully addressed, and the application, including all pending claims, is in complete condition for allowance.

The Examiner is encouraged to contact the undersigned at his/her convenience should he have any questions regarding this matter, or to resolve any remaining issues.

Please charge any fees required this Request to Deposit Account No. 04-1403.

Respectfully submitted,
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